

### REMARKS

Applicant requests favorable reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Applicant also requests acknowledgment and entry of the drawing changes made in the Request for Approval of Drawing Changes filed on September 15, 2003.

Claims 1-12 are pending in the application, with claim 1 being the sole independent claim. Claim 1 has been amended herein. Support for these changes can be found in the original application, as filed. Therefore, no new matter has been added.

Initially, Applicant notes with appreciation the indication in the Office Action that claim 10 contains allowable subject matter and would be allowable if rewritten in independent form. However, Applicant has declined to so amend claim 10 at this time, since Applicant believes that independent claim 1 is allowable as currently written.

In the Office Action, claims 1-5 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Publication No. 01-236953, and claims 1-3, 5-8, 11, and 12 were rejected under § 102(b) as being anticipated by U.S. Patent No. 4,611,765 (Shimajima et al.). Applicant respectfully traverses these rejections. Nevertheless, Applicant submits that independent claim 1, for example, as presented, further defines the claimed invention over the cited documents.

Independent claim 1, as currently amended, recites that, *inter alia*, the pulverizing roller is manufactured such that, when the pulverizing roller initially is installed in the roller mill, and prior to the pulverizing roller being used to pulverize the raw material, an outer peripheral surface of the pulverizing roller has a smooth cross section including a substantially flat section located in the central portion thereof and at least one arcuate

section. None of the cited documents, whether taken alone or in combination, discloses or suggests at least these features of the present invention recited in independent claim 1.

The '953 publication, according to the abstract, is directed to a method of overlapping the periphery of a crushing roller 1A with an abrasion-resistant metal. Applicant has obtained a partial translation of the '953 publication, relevant portions of which are attached. According to the translation, figures 6A-D show the progress of the wearing of a conventional crushing roller due to abrasion during use. Figures 6B and 6C depict the crushing roller in a partially abraded, worn condition. Figure 6D depicts the crushing roller at the end of its life, when its initial crushing efficiency can no longer be obtained and it needs to be discarded or the padding regenerated. (See ¶ 2 of the translation.) The '953 publication further teaches attaching a hardening layer of uniform padding 4A to the crushing roller 1A, so that abrasion of the roller progresses evenly and the uneven wear shown in figures 6A-D is avoided. Thus, '953 publication actually teaches away from the invention of claim 1.

The Shimojima et al. patent discloses a rolling mill having a pulverizing roller 25 with an annular recess 27. Figure 14(3) shows one variation of the configuration of the roller 25 and recess 27. However, the Shimojima et al. patent fails to disclose or suggest a rolling mill comprising a pulverizing roller having, *inter alia*, an outer peripheral surface that has a smooth cross section including a substantially flat section located in the central portion thereof and at least one arcuate section, as recited in independent claim 1. Rather, the roller shown in figure 14(3) has a sharp recess in the central portion of the roller. In addition, according to the Shimojima et al. patent at column 5, lines 25-29, "the portion of the roller 25 in the recess 27 does not contribute to the pulverization at all, and if [the

recess is] too shallow, the roller life will be shortened by wear . . . .” Thus, the pulverizing roller of the Shimajima, et al. patent cannot be said to correspond to the pulverizing roller having an outer peripheral surface, as recited in claim 1.

Accordingly, the cited art, whether taken alone or in combination, does not teach or suggest many features of the present invention recited in independent claim 1. For at least the foregoing reasons, Applicant submits that the present invention, as recited in independent claim 1, is patentably defined over the cited art.

Dependent claims 2-12 also should be deemed allowable, in their own right, for defining other patentable features of the present invention in addition to those recited in independent claim 1. Further individual consideration of these dependent claims is requested.

Accordingly, Applicant submits that the instant application is in condition for allowance. Favorable reconsideration and withdrawal of the rejections set forth in the above-noted Office Action and an early Notice of Allowance are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven E. Warner", is written over a horizontal line.

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